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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/770,558	01/26/2001	Julian Satran	6727/01226	6418
7590	12/15/2005		EXAMINER	
S. Peter Ludwig Darby & Darby P.C. 805 Third Avenue New York, NY 10022			LEZAK, ARRIENNE M	
			ART UNIT	PAPER NUMBER
			2143	

DATE MAILED: 12/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/770,558	SATRAN ET AL.
	Examiner	Art Unit
	Arrienne M. Lezak	2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on \_\_\_\_.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-45 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_ is/are allowed.  
 6) Claim(s) 1-45 is/are rejected.  
 7) Claim(s) \_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 26 January 2001 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date 4/01, 12/04.

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1 & 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, Examiner finds that Claim 1 does not specify who or what is receiving content from a content provider, thus amendment is required. For examination purposes, it will be assumed that it is the first server that receives the content from the content provider. Also, per Claim 1, Examiner finds the wording "responsive to said content establishing a first group directory in a cache" to be confusing, requiring amendment. For examination purposes, it will be assumed that said establishing a first group directory is responsive to the receipt of said content. Per Claim 13, Examiner finds the wording "wherein the transmission request is responsive to said second group directory" to be confusing, requiring amendment. For examination purposes, it will be assumed that said transmission request is responsive to the receipt of said second group directory.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over extensive consideration of US Patent US 6,718,361 B1 to Basani in view of US Patent US 6,684,331 B1 to Srivastava.

5. Regarding Claims 1, 16 & 31, Basani discloses a system, method and computer-readable medium for transmitting data over a communications network, (Abstract; Fig. 1; & Claims 1-24), comprising the steps of:

- receiving at a first server, content from a content provider, (Col. 4, lines 60-67; Cols. 5-8; & Col. 9, lines 1-53 – particularly Col. 5, lines 12-14 & Col. 8, lines 20-27);
- responsive to the receipt of said content, establishing a first group directory in a cache [distribution server], (Fig. 1; Col. 5, lines 14-56; Col. 8, lines 21-67; & Col. 9, lines 1-53); and
- transmitting said first group directory from said cache on a data channel to a subsidiary cache(s) [the group leaders], (Fig. 1 & Col. 6, lines 36-43);
- establishing a second group directory [of the backend servers] in said [group leader] subsidiary cache, said second group directory being derived from said first group directory, (Col. 6, lines 18-34; Col. 7, lines 15-19; & Col. 9, lines 14-53), (Examiner notes that Basani clearly teaches the division and distribution of content per group wherein it would have been obvious to establish secondary group directories per group leader for

distribution of content to backend server supporting individuals or areas having similar interests or needs, wherein distribution by content-type would reduce the amount of unwanted/unneeded content sent, thereby reducing network traffic and configuration-related errors, (Col. 7, lines 15-19)).

6. Though Basani clearly teaches a hierarchical data distribution system, wherein the obvious endpoints are the multicast group receivers, (Col. 3, lines 44-46), Examiner additionally provides the Srivastava reference which clearly enumerates a tree-like distribution comprising a root node, intermediate nodes and leaf nodes within a multicast hierarchy, (Srivastava - Fig. 10A & Col. 19, lines 37-54), wherein transmitting said second group directory from said subsidiary cache [GL or BES] to a multicast group of receivers [BES or endpoint] would have been an obvious as a means for providing efficient controls for triggering distribution of digitized data content to selected groups of a large number of remote computer servers, (Basani – Col. 4, lines 63-66). Thus, Claims 1, 16 & 31 are found to be unpatentable over the combined teachings of Basani and Srivastava.

7. Regarding Claims 2, 8, 17, 23, 32 & 38, the combined teachings of Basani and Srivastava are relied upon as noted herein. Basani further teaches a step of transmitting said first group directory, (and second group directory – per pending claims 8, 23 & 38), is performed using a REMADE protocol, (Col. 3, lines 11-24; Col. 6, lines 19-27; Col. 7, lines 15-19; & Col. 17, lines 1-67; & Col. 18, lines 1-19), (Examiner notes that Basani clearly teaches multicasting divided data to subsets of receivers, which

receivers have made a determination as whether or not to receive said data). Thus, Claims 2, 8, 17, 23, 32 & 38 are found to be unpatentable over the combined teachings of Basani and Srivastava.

8. Regarding Claims 3, 6, 18, 21, 33, & 36, the combined teachings of Basani and Srivastava are relied upon as noted herein. Basani further teaches the step of transmitting said first group directory, (and second group directory – per pending claims 6, 21 & 36), is performed by periodic transmission thereof, (Col. 7, lines 45-48 & Col. 19, lines 6-64). Thus, Claims 3, 6, 18, 21, 33, & 36 are found to be unpatentable over the combined teachings of Basani and Srivastava.

9. Regarding Claims 4, 7, 19, 22, 34 & 37, the combined teachings of Basani and Srivastava are relied upon as noted herein. Basani further teaches the step of transmitting said first group directory, (and second group directory – per pending claims 7, 22 & 37) is performed in response to a request from a receiver thereof, (Col. 16, lines 30-67; Col. 17, lines 1-67; & Col. 18, lines 1-19). Thus, Claims 4, 7, 19, 22, 34 & 37 are found to be unpatentable over the combined teachings of Basani and Srivastava.

10. Regarding Claims 5, 9, 20, 24, 35 & 39, the combined teachings of Basani and Srivastava are relied upon as noted herein. Basani further teaches the step of transmitting said first group directory, (and second group directory – per pending claims 9, 24 & 39) is performed according to a policy of said content provider, (Col. 5, lines 12-32). Thus, Claims 5, 9, 20, 24, 35 & 39 are found to be unpatentable over the combined teachings of Basani and Srivastava.

11. Regarding Claims 10, 25 & 40, the combined teachings of Basani and Srivastava are relied upon as noted herein. Basani further teaches wherein said content provider comprises a plurality of content providers, (Col. 5, lines 12-32). Thus, Claims 10, 25 & 40 are found to be unpatentable over the combined teachings of Basani and Srivastava.

12. Regarding Claims 11, 26 & 41, the combined teachings of Basani and Srivastava are relied upon as noted herein. Basani further teaches wherein said subsidiary cache comprises plurality subsidiary caches, (Figs. 1 & 6; Col. 16, lines 30-67). Thus, Claims 11, 26 & 41 are found to be unpatentable over the combined teachings of Basani and Srivastava.

13. Regarding Claims 12, 28 & 42, the combined teachings of Basani and Srivastava are relied upon as noted herein. Basani further teaches wherein said cache and said subsidiary caches are linked together as a hierarchical tree, said cache forming a root said hierarchical tree, (Figs. 1, 6 & 7). Thus, Claims 12, 28 & 42 are found to be unpatentable over the combined teachings of Basani and Srivastava.

14. Regarding Claims 13, 27 & 43, the combined teachings of Basani and Srivastava are relied upon as noted herein. Basani further teaches a system, method and computer-readable medium for transmitting data over a communications network comprising the steps of receiving transmission request from member said group of receivers, wherein said transmission request is responsive to said second group directory; and responsive to said transmission request, transmitting a data item from said subsidiary cache to said receiver, (Figs. 1 & 6; Col. 16, lines 30-67; Col. 17; & Col.

18, lines 1-19). Thus, Claims 13, 27 & 43 are found to be unpatentable over the combined teachings of Basani and Srivastava.

15. Regarding Claims 14, 15, 29, 30, 44 & 45, the combined teachings of Basani and Srivastava are relied upon as noted herein. Basani further teaches wherein said first group directory, (and second group directory – per pending Claims 15, 30 & 45) comprise root directory hierarchically linked to plurality of subdirectories, said subdirectories carrying list data items, a sub-tree of said first group directory being defined by one of said subdirectories and at least one linked subdirectory there under, (Figs. 1 & 6; Col. 16, lines 30-67; Col. 17; & Col. 18, lines 1-19). Thus, Claims 14, 15, 29, 30, 44 & 45 are found to be unpatentable over the combined teachings of Basani and Srivastava.

### ***Conclusion***

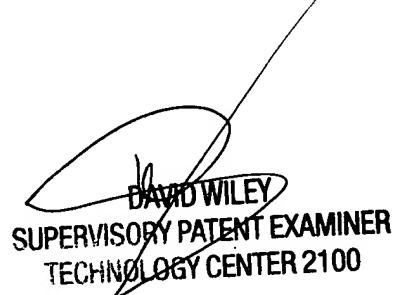
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arrienne M. Lezak whose telephone number is (571)-272-3916. The examiner can normally be reached on M-F 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571)-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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